

City of Log Cabin

Ordinance 113

AN ORDINANCE OF THE CITY OF LOG CABIN, TEXAS AMENDING THE CODE OR ORDINANCES OF THE CITY OF LOG CABIN BY ADDING AN ORDINANCE REGULATING THE USE OF A “MOTORIZED MOBILITY DEVICE”; PROVIDING DEFINITIONS, PROVIDING REGULATIONS AND PROHIBITIONS; PROVIDING FOR THE REPEL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:

SECTION I:

The Transportation Code, Section 541.401 defines a “*pedestrian*” as a person on foot. A person operating a non-motorized wheelchair or motorized mobility device is considered to be a pedestrian

The Transportation Code, Section 542.009 defines “*motorized mobility device*” as a device designed for transportation of persons with physical disabilities that:

- A. has three or more wheels
- B. is propelled by a battery powered motor
- C. has not more than one forward gear; and
- D. is not capable of speeds exceeding eight miles per hour.

SECTION II:

It shall be unlawful for any person operating a “*motorized mobility device*” to operate such device in an unsafe and reckless manner. Safe operation of the device shall include, but is not limited to:

- A. operating said device with all wheels in contact with solid surface
- B. operating said device with the factory recommended number of occupant(s).
- C. operating said device following rules set forth by the Transportation Code, Section 552. PEDESTRIANS specifically Section 552.006 (b) which states:
 - 1. A pedestrian may not walk along and on a roadway if an adjacent sidewalk is provided and is accessible to the pedestrian.
 - 2. If a sidewalk is not provided, a pedestrian walking along and on a highway shall if possible walk on:
 - a. the left side of the roadway; or
 - b. the shoulder of the highway facing oncoming traffic

SECTION III:

That all provisions of the Code of Ordinances of the City of Log Cabin, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION IV:

That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or the Code of Ordinances, as amended hereby, be adjudged or held to be illegal, invalid or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

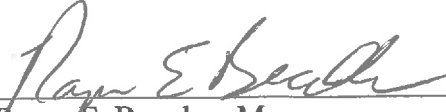
SECTION V:

That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Log Cabin, Texas, **shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense**; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION VI:


This ordinance shall take effect immediately from and after the passage and publication in accordance with the provisions of the Tex. Gov't. Code.

PASSED AND ADOPTED BY THE CITY COUNCIL OF LOG CABIN, TEXAS ON THIS 19 DAY OF October, 2006.



Roger E. Bearden, Mayor

ATTEST:



City Secretary